

Dear FCC:I have read your Proposed Rule Making for New Part 4 of the Commission's Rules Concerning Disruptions to Communications Outages. I believe that there are some oversights involving the operational nature of evolving FTTH technology, particularly in the hands of Municipal Corporations.

In California, Municipal Corporations (ie -- local government) can engage in providing telephone services to those who live both within and without their municipal borders. Some Municipalities, burdened by ever greater salary and benefit demands by their staffs, have taken to promoting the idea of providing Telephone, Cable TV and HighSpeed Data to the customer premises (Ethernet-to-the-Home).

One model that is emerging around the country, is that of Municipal Corporations (ie -- City Government) owning the Fiber Optic Network, and that it lease out the telephone services, and Cable services, to a private corporations which then would provide the an End-Officer (EO) Switch (presumably Class 5) and trunk into the Municipal Corporation's (ie -- the City's) HeadEnd Fiber Plant.

Using the outage proposals in Proposed Rule Making, there are a number of problems which would seem to have been overlooked for such a configuration.

1) In California, Municipal Corporations can engage in providing utilities, to include Telephone services without being under the oversight of the California Public Utilities Commission.

2) Small-sized operations (less than 1,000-10,000 access lines) might not find that outages of significant duration would meet the criteria to trigger a requirement to report as proposed.

3) Given that the Telephone switch operator (a CLEC in this case) does not own the fiber network, then any outages attributed to failure of the Municipal Corporation's HeadEnd, or its outside Plant, or the failure of the electrical grid which causes the HeadEnd to fail, would not be the fault of the Telco provider (CLEC), but the Municipal entity. [In my town, the Municipal Corporation also provides the grid power, so any failure not associated with the CLEC's switch would be the fault of the Municipal Corporation (ie -- City Government). So, it would seem that the outages to the Telco's customers would go unreported?

4) Fiber Optic Systems terminate on the Customer Premises with an elaborate device called a NID -- part optics and part electronics. The NID is powered from the Customer Premises from

Grid power. NIDs currently currently have back up of about two (2) hours of talk-time, and two hours of talk-time. After that, the phone goes dead -- assuming that there was also not a cut in the Fiber Optic strands from the neighborhood nodes. So, an power outage can lead to the loss of thousands of phones. At the same time, all of the operational parameters of the Telephone Provider, and possibly the Fiber Optic transmission path provider, would not see any of its equipment out of order. So, who is responsible for filing outage reports for the (possibly thousands) of users whose phones are out?

5) The concept of "blocked calls" needs to be reconsidered in terms of a Fiber-to-the-Home communication system. Most of the metrics seem to ignore the loops, and seem to focus on trucks for blocked calls. The implication that calls can originate would seem to imply that the loops are functional. With the possibility of Active Electronics in the loops, it is quite possible for the loops to be non-functional -- based on power outage, or electronics failure, or operational errors attributed to the maintenace Staff. In this case, the telephone and the NID would be functional, the HeadEnd would be able to detect that a link failure had occurred. When the link failure were resolved, then the NID could be queried from the HeadEnd to determine the number of times that customers had attempted to place class which would have been blocked because of a failure in the Fiber Optics Transmission System.

In a traditional telephone system, there is no intelligence in the handsets to collect this sort of information.

Before this round of "rulemaking" is complete, I hope that the FCC will take the time to consider how Fiber-to-the-Home "telephone" systems are different from traditional, analog, telephone sysgtems, and provide adequate reporting requirements so that customers of these systems are not underserved by the FCC's oversight.

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